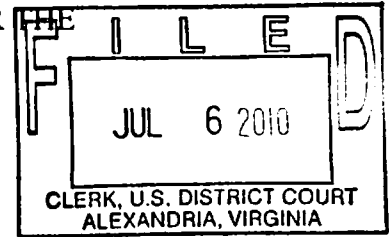


IN THE UNITED STATES DISTRICT COURT FOR
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA,

v.

JUAN BEIZA

Defendant

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1:10cr191-2 (JCC)

MEMORANDUM OPINION

This matter comes before the court pursuant to Government's Motion for Revocation of Release Order and Review of Detention. For the reasons set forth below, the Motion is granted.

I.

Based on the de novo¹ hearing conducted in this matter on July 2, 2010, the Court finds the relevant facts to be as follows:

The Defendant is charged in the Eastern District of Virginia with conspiracy to distribute 5 kilograms of cocaine. The Defendant was arrested in the Western District of Texas and on June 10, 2010, a Magistrate Judge entered a release order.

II.

In deciding whether or not a defendant poses a danger to the community, thus mandating his detention pending trial, the Court must consider the factors set forth in 18 U.S.C. § 3142 (g). These factors include:

¹De novo review is conducted pursuant to *United States v. Williams*, 753 F.2d 329, 333 (4th Cir. 1985).

(1) The nature and circumstance of the offense charged, including whether the offense is a crime of violence or involves a narcotic drug. – The Defendant has been with charged with conspiracy to distribute 5 kilograms of cocaine.

(2) The weight of the evidence against the accused. – The Defendant has admitted that he transported drugs from Texas to Virginia.

(3) The history and characteristics of the accused. – The Defendant is a 25 year old male, born in Mexico. He is a permanent resident alien residing in Austin, Texas since age four. His father is deceased and his mother and step-father all live in Austin, Texas. His mother is a naturalized citizen and his brothers are permanent resident aliens. He is employed as a delivery route driver for Bimbo Bakeries for the past two years and has been residing at the same address in Texas for three years. The Defendant has never been married and has no children. The Defendant also suffers from mild anxiety attacks. He has an anxiety attack approximately once a week and is not currently taking any medication. He has never seen a doctor or a psychiatrist for anxiety, nor has he had any mental health treatment. At a youthful age he began using Cannabinoids, Cocaine, Benzodiazepines and alcohol. He has a criminal mischief conviction in 2002 and a possession of marijuana conviction in 2006.

(4) The nature and seriousness of the danger posed to any person or the community that would be posed by the accused's release. -- This is a presumption case and the Court feels that based on the nature of offense of the charged, the strength of the Governments case, the Defendant's mental health status, substance abuse history and that the fact that he is a resident alien subject to deportation indicate that there is future likelihood that he would flee, should he be granted bail.

III..

Accordingly pursuant to 18 U.S.C. § 3142 (g) the Court finds that no conditions or combinations of conditions will insure the appearance of the Defendant at trial and the safety of the community and will grant the Government's Motion.

July 6th, 2010
Alexandria, Virginia



/s/
James C. Cacheris
United States District Judge
James C. Cacheris
UNITED STATES DISTRICT COURT JUDGE